



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/776,089

02/11/2004

James A. Sonnier

284-34922-US

2350

44871 7590 05/14/2008
MADAN, MOSSMAN & SRIRAM, P.C.
2603 AUGUSTA DRIVE
SUITE 700
HOUSTON, TX 77057-5662

EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,089	Applicant(s) SONNIER ET AL.	
	Examiner Kenneth Thompson	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 19-21 and 23-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 9, 12, 13, 16, 17 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 7, 10, 11, 14, 15, 26-33 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 14, 15, 28, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Unsgaard, U.S. 6,158,512.

Unsgaard discloses a tubular (4), a sand removal jet pump (5), a sensor within a container (6) or housing for detecting sand level (col. 3, lines 65+) of the downhole container, transmitting the signal uphole inherently to the pump and pump drive wherein a timed equipment unit controls the drive fluid (claim 3).

Claims 1, 6, 11, 26, 27, 29, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynde et al., U.S. 5,404,944.

Lynde et al. discloses a tubular work string (WS) configured to rotate a lower tubular (LT), the work string having a housing (25) with a make up tool (10) housing a torque sensor (col. 6, lines 5-9) and a mud pulse transmitter (254).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3672

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharp et al., U.S. 6,848,506.

Sharp et al. discloses a tubular (30) configured to carry drilling fluid having a sensor (col. 7, lines 39-50), a fishing tool (210) and a receiving, processing and transmitting unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetzlaff et al., 5,988,992 in view of Lynde et al., U.S. 5,404,944.

Tetzlaff et al. discloses a conveying a tubular (11) with a pump (37) not used for drilling, a motor (21) providing power and pressure sensor (23). Tetzlaff et al. does not disclose the sensor transmits. Lynde et al. teaches use of a sensor for monitoring and transmitting representative signals. It is obvious to one having ordinary skill in the art to arrange for a sensor to have means of relaying information.

Allowable Subject Matter

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8, 9, 12, 13, 16, 17 and 22 are allowed.

Response to Arguments

Applicant's arguments against the prior art of Tetzlaff et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments against the prior art of Unsgaard have been fully considered but they are not persuasive.

Applicants argue the prior art does not disclose transmission of a signal to a surface location. The jet pump - sand removal assembly inherently requires communication with surface equipment to provide a drive fluid as shown in figure 1.

Applicant's arguments against the prior art of Lynde have been fully considered but they are not persuasive.

Applicants argue the prior art is not configured to convey fluid thereacross. The prior art tubular elements inherently capable of conveying fluids, annular or interior, moreover the "thereacross" of the workpiece is not a clearly defined path.

Applicant's arguments against the prior art of Sharp have been fully considered but they are not persuasive.

Applicants argue the prior art of sharp does not have a transmission configuration. The prior art discloses the processing unit configured to relay downhole operational conditions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 6:00 am - 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7 May 2008

/Kenneth Thompson/
Primary Examiner, Art Unit 3672